

Congress: Find a way to de-immunize the sex trade

The News Tribune
October 26, 2014



People opposed to child sex trafficking rally outside of the Washington Supreme Court on Oct. 21 in Olympia. The court was hearing a case filed by three victims who say the website Backpage.com helps promote the exploitation of children.

RACHEL LA CORTE — AP

The people who run Backpage.com and other prostitution-heavy websites cherish abstractions and euphemisms: “Internet free speech,” “third party content” and “escort services.”

Their defenders use the word “alleged” a lot, as in “alleged sex-trafficking.” In one brief against three young women who are trying to sue Backpage in Pierce County Superior Court, the company’s lawyers refer to the youths as “three minors who alleged they were prostituted by adult pimps.”

Let's cut through the fog. The "alleged" victims in the Pierce County case were three girls, two of them 13, the other 15. They ran away from home, and pimps – always on the lookout for young prey – snared them and peddled them on Backpage.com.

Two pimps tricked out the youngest in lingerie, took photos and posted them on the website. She became an "80 DOLLAR DAY SPECIAL." Men lined up for her. She was a seventh-grader.

The three now want to hold Backpage.com accountable for its part in selling them. The case is now before the Washington Supreme Court, which must decide whether to let the lawsuit proceed in Pierce County.

In light of court precedents, it seems likely federal law will frustrate the young women's lawsuit. The U.S. Communications Decency Act – passed in 1996 when few imagined what the Internet would do for sex-trafficking – established broad legal immunity for Internet service providers. Its Section 230 was designed to protect legitimate ISPs and website operators from lawsuits over items posted by their users.

Amazon, for example, can't be held liable for defamation when a commenter says something nasty about someone else in its comments section. EBay can't be held liable when a fraudster doesn't send the goods. Lawmakers rightly recognized that the Internet couldn't reach its potential if innocent enterprises could be punished for their users' actions.

But what if a website's very business model revolves around prostitution, which is illegal in every state but Nevada? Section 230 was never meant to abet the human degradation, coercion and female enslavement that permeates the sex trade.

The U.S. House of Representatives in May approved a bill that provides penalties for knowingly advertising sex from children or coerced adults – or knowingly benefiting from that advertising. In other words, website operators who understand the nature of those \$80-a-day specials could no longer hide behind Section 230. The Senate has been working on a broader version on the same bill.

Congress must be careful here. Any refinements of Section 230 must provide ample safe harbors for honest enterprises whose Web services can be abused by criminals.

But a company that effectively solicits pimping by creating sections labeled "escort services," "body rubs" or other common euphemisms for prostitution ought to be nervous about who is infesting those markets. They might show more interest in deterring pimps and traffickers by requiring, for example, major credit cards instead of untraceable prepaid cards and Bitcoin.

Romantic libertarians sometimes conceive of prostitutes as Julia Roberts-style freelancers who are in it by choice. The industry as a whole is far more predatory.

Girls in their early teens – as in the Pierce County case – are prized in this market. Many thousands are routinely sold to johns. Even seemingly independent adult prostitutes were

frequently coerced into the sex trade as minors and kept there with threats, beatings and addiction. Pimps typically lurk in the background somewhere.

Then there are the Asian and Eastern European women enslaved by international traffickers, and kept disoriented, terrified and underground.

Any website that specializes in the sale of girls and women for sex may be harboring the digital equivalent of an old-fashioned slave market. Congress and the courts can surely figure out ways to legally distinguish them from the likes of Twitter, Blogspot and CNN.

Read more here: http://www.thenewstribune.com/2014/10/26/3451213_congress-find-a-way-to-de-immunize.html?sp=/99/447/&rh=1#storylink=cpy